

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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|------------------------|-------------|---------------------------------------|
| HAROLD C. TURNER,      | :           |                                       |
|                        | :           |                                       |
|                        | Plaintiff,  | :                                     |
|                        | :           | <b>Civil Action No. 12-7224 (SRC)</b> |
| V.                     | :           |                                       |
|                        | :           | <b>OPINION &amp; ORDER</b>            |
| TIMOTHY BOYLE, et al., | :           |                                       |
|                        | :           |                                       |
|                        | Defendants. | :                                     |
|                        | :           |                                       |
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**CHESLER, District Judge**

This matter comes before the Court on the motion (Docket Entry 18) by Pro Se Plaintiff Harold C. Turner to strike the reply brief (Docket Entry 17) filed by Defendants Timothy Boyle, Michael J. Fallon, Dennis O'Connor, Thomas Garcia, David Bednarz, Michael P. Lawlor, Andrew J. Macdonald, and Thomas Jones in further support of their motion to dismiss the Complaint (Docket Entry 8). Plaintiff argues that Local Civil Rule 7.1(d)(6) bars the Defendants' reply, which was not filed with the Court's permission. Plaintiff is incorrect. In the District of New Jersey, a movant may generally file a reply brief as a matter of right. See L. Civ. R. 7.1(d)(3). The rules only presumptively bar the filing of a sur-reply, which is a legal brief or memorandum *responding* to a reply brief. In this case, Defendants filed a reply, not a sur-reply. Accordingly, Plaintiff's motion will be denied.

For these reasons,

**IT IS** on this 18<sup>th</sup> day of March, 2013,

**ORDERED** that Plaintiff's motion to strike the Defendants' reply brief (Docket Entry 18) shall be, and hereby is, **DENIED**.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J.